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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

STIPULATED [PROPOSED] ORDER
MODIFYING SCHEDULE FOR
CERTAIN CLASS CERTIFICATION
DAUBERT MOTIONS DUE TO
MEDICAL EMERGENCY

Judge: Hon. James Donato

1 WHEREAS, this Court's November 18, 2022 Amended Scheduling Order set a schedule
2 for expert disclosures and briefing associated with Consumer Plaintiffs' and Advertiser Plaintiffs'
3 motions for class certification, and any related *Daubert* motions. Dkt. 379.

4 WHEREAS, two of the parties' experts have suffered medical emergencies that have
5 impacted Advertiser Plaintiffs' and Meta's ability to comply with certain of these deadlines. Dkt.
6 637. Advertiser Plaintiffs and Meta have conferred and jointly propose, subject to the Court's
7 approval, to modify certain of these deadlines. These stipulated proposed modifications to the
8 schedule will not affect the December 4, 2023 class certification concurrent expert proceeding or
9 December 14, 2023 class certification hearing.

10 WHEREAS, pursuant to this Court's November 18, 2022 Amended Scheduling Order,
11 Dkt. 379, Advertiser Plaintiffs served opening class certification expert disclosures on July 7,
12 2023, and Meta served class certification expert disclosures on August 4, 2023.

13 WHEREAS, the scheduling order provided for Advertiser Plaintiffs to serve class
14 certification reply expert disclosures by September 1, 2023. Dkt. 379. As explained below,
15 Advertiser Plaintiffs did so for two of their four experts. Dkt. 637.

16 WHEREAS, the scheduling order states that the last day to file class certification and class
17 *Daubert* motions is September 15, 2023, the last day to file oppositions to class certification and
18 class *Daubert* motions is October 13, 2023, and the last day to file replies to class certification and
19 class *Daubert* motions is November 3, 2023. Dkt. 379.

20 WHEREAS, on August 30, 2023, Meta learned that one of its class certification experts,
21 Yael Hochberg, had a medical emergency and required surgery in early September 2023. At the
22 time, Hochberg was scheduled to be deposed on September 11, 2023, which the parties agreed to
23 reschedule to September 19, 2023.

24 WHEREAS, on August 31, 2023, Advertiser Plaintiffs' expert Kevin Kreitzman was
25 hospitalized with a medical condition. As a result, Advertiser Plaintiffs were unable to serve
26 Kreitzman's reply expert report and the reply expert report of another of their experts, Michael A.
27 Williams, whose report relied on Kreitzman's. Dkt. 637.

28 WHEREAS, after conferring with counsel for Meta, Advertiser Plaintiffs served portions

1 of Williams's reply report on September 11 and 12, 2023, and anticipate serving the remainder of
2 Williams's reply report, along with Kreitzman's reply report by September 15, 2023.

3 WHEREAS, Meta and Advertiser Plaintiffs agree that the depositions of Williams and
4 Kreitzman should take place after they have served their reply reports. Meta's deposition of
5 Williams has been rescheduled for September 26, 2023. Kreitzman's deposition has not yet been
6 rescheduled, but Advertiser Plaintiffs anticipate that he will be available to be deposed no later
7 than October 2, 2023.

8 WHEREAS, Meta and Advertiser Plaintiffs also agree that Advertiser Plaintiffs'
9 depositions of Hochberg and Meta's other class certification expert, Catherine Tucker, should take
10 place after the reply reports of Williams and Kreitzman, which will respond to both Hochberg's
11 and Tucker's reports, have been served. Advertiser Plaintiffs' deposition of Yael Hochberg will
12 take place on September 19 and Advertiser Plaintiffs' deposition of Catherine Tucker has been
13 rescheduled for September 24, 2023.

14 WHEREAS, Meta and Advertiser Plaintiffs also agree that the current deadline to file
15 *Daubert* motions should be extended so as to allow the depositions contemplated above to take
16 place prior to the deadline for filing a *Daubert* motion concerning these experts.

17 WHEREAS, the parties have conferred on a proposed amended schedule that would have
18 briefing on the *Daubert* motions conclude on the existing date and would require adjustment of
19 only the deadlines for opening briefs and oppositions.

20 NOW, THEREFORE, IT IS STIPULATED AND AGREED SUBJECT TO THE
21 COURT'S APPROVAL:

- 22 • Advertiser Plaintiffs' deadline to serve complete reply class expert disclosures from
23 Michael A. Williams and Kevin Kreitzman shall be September 15, 2023.
- 24 • Depositions of Michael A. Williams, Kevin Kreitzman, Catherine Tucker, and Yael
25 Hochberg shall be completed by no later than October 2, 2023. Should Kreitzman's
26 health condition render him unable to be deposed by that date, the parties may seek
27 further relief from the Court on the deadlines covered by this stipulation.
- 28 • Advertiser Plaintiffs' deadline to file class certification *Daubert* motions

concerning Yael Hochberg and Catherine Tucker shall be October 6, 2023.

- Meta's deadline to file class certification *Daubert* motions concerning Kevin Kreitzman and Michael A. Williams shall also be October 6, 2023.
- The deadline to file oppositions to the October 6, 2023 *Daubert* motions shall be October 20, 2023.
- Replies in support of the October 6, 2023 *Daubert* motions shall be filed by November 3, 2023, the current deadline for all *Daubert* reply briefs.

IT IS SO STIPULATED.

DATED: September TK, 2023

Respectfully submitted,

By: /s/ Yavar Bathaee
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SIGNATURE ATTESTATION

This document is being filed through the Electronic Case Filing (ECF) system by attorney Sonal N. Mehta. By her signature, Ms. Mehta attests that she has obtained concurrence in the filing of this document from each of the attorneys identified on the caption page and in the above signature block.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September 2023, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System.

By: /s/ Sonal N. Mehta
Sonal N. Mehta

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

JAMES DONATO
United States District Judge